

**DEPARTMENT OF THE TREASURY
OFFICE OF FOREIGN ASSETS CONTROL**

Guidelines for License Applications

Specific Licenses for Travel to Cuba
to Visit a Close Relative in Cases of Humanitarian Need

The Cuban Assets Control Regulations, 31 CFR Part 515 (the "Regulations"), prohibit persons subject to U.S. jurisdiction from engaging in all unlicensed transactions in which Cuba or a Cuban national has an interest including transactions related to travel to, from and within Cuba.

Section 515.561(a) of the Regulations (copy attached) authorizes, under a general license, transactions by persons traveling to visit close relatives in Cuba in circumstances of humanitarian need once every twelve months without need to obtain a specific license from the Office of Foreign Assets Control ("OFAC"). Pursuant to section 515.561(b) of the Regulations (copy attached), OFAC will consider, on a case-by-case basis, the issuance of specific licenses to permit travel transactions **more than once in a twelve month period to visit close relatives in cases involving humanitarian need.**

Specific license applications must be prepared in letter format and should include the following information so that a fully informed determination may be made on the application:

1. Name, address and telephone number of each traveler.
2. The daytime telephone number of the person to contact in case this office has any questions concerning the application.
3. A statement of the relationship between you and the person you will visit in Cuba (mother, father, etc).
4. A statement of the date of the last trip to Cuba under a General License.
5. A statement explaining why you are seeking to engage in travel transactions again within the same 12 month period.
6. Please sign your application.

The application shall be mailed to:

Office of Foreign Assets Control
U.S. Department of the Treasury
909 Southeast First Ave #736
MIAMI FL 33131

NOTE: When several individuals are involved in the proposed travel, a consolidated application may be submitted. Attorneys or others acting on behalf of applicants must affirm they are authorized to act on behalf of the individual travelers.

Questions should be directed to the Miami office of the Office of Foreign Assets Control at (305) 810-5140.

[Code of Federal Regulations]
[Title 31, Volume 2, Parts 200 to END]
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TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL,
DEPARTMENT OF THE TREASURY

PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.561 Persons visiting family members in Cuba.

(a) General license. The travel-related transactions set forth in Sec. 515.560(c) are authorized in connection with travel to Cuba by persons and persons traveling

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with them who share a common dwelling as a family with them who are traveling to visit close relatives in Cuba in circumstances that demonstrate humanitarian need, provided that the authorization contained in this paragraph may be used only once in any 12-month period. See Secs. 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Any additional transactions must be specifically licensed pursuant to paragraph (b) of this section.

(b) Specific licenses. Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in Sec. 515.560(c) in connection with travel to Cuba by persons, and persons traveling with them who share a common dwelling as a family with them, who seek to travel to visit close relatives in Cuba more than once in any consecutive 12-month period in cases involving humanitarian need.

(c) For purposes of this section, the term close relative used with respect to any person means such person's spouse, child, grandchild, parent, grandparent, great grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or spouse, widow, or widower of any of the foregoing.

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TITLE 31--MONEY AND FINANCE: TREASURY

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PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S.

(a) The travel-related transactions listed in paragraph (c) of this section may be authorized either by a general license or on a case-by-case basis by a specific license for travel related to the following activities (see the referenced sections for general and specific licensing criteria):

- (1) Family visits (general and specific licenses) (see Sec. 515.561);
- (2) Official business of the U.S. government, foreign governments, and certain intergovernmental organizations (general license) (see Sec. 515.562);
- (3) Journalistic activity (general and specific licenses) (see Sec. 515.563);
- (4) Professional research (general and specific licenses) (see Sec. 515.564);
- (5) Educational activities (specific licenses) (see Sec. 515.565);
- (6) Religious activities (specific licenses) (see Sec. 515.566);
- (7) Public performances, clinics, workshops, athletic and other competitions, and exhibitions (general and specific licenses) (see Sec. 515.567);
- (8) Support for the Cuban people (specific licenses) (see Sec. 515.574);
- (9) Humanitarian projects (specific licenses) (see Sec. 515.575);
- (10) Activities of private foundations or research or educational institutes (specific licenses) (see Sec. 515.576);
- (11) Exportation, importation, or transmission of information or informational materials (specific licenses) (see Sec. 515.545); and
- (12) Certain export transactions that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or controlled foreign firms (specific licenses) (see Secs. 515.533 and 515.559).

(b) Travel-related transactions in connection with activities other than those referenced in paragraph (a) of this section may be authorized on a case-by-case basis by a specific license issued pursuant to Sec. 515.801.

(c) Persons generally or specifically licensed under this part to engage in transactions in connection with travel to, from, and within Cuba may engage in the following transactions:

(1) Transportation to and from Cuba. All transportation-related transactions ordinarily incident to travel to and from (not within) Cuba, provided no more than \$500 may be remitted to Cuba directly or indirectly in any consecutive 12-month period for fees imposed by the Government of Cuba in conjunction with such travel unless otherwise authorized.

(2) Living expenses in Cuba. All transactions ordinarily incident to

travel anywhere within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there, provided that, unless otherwise authorized, the total for such expenses does not exceed the ``maximum per diem rate'' for Havana, Cuba in effect during the period that the travel takes place. The per diem rate is published in the State Department's ``Maximum Travel Per Diem Allowances for Foreign Areas,'' a supplement to section 925, Department of State Standardized Regulations (Government Civilians, Foreign Areas), available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or on the Internet at <http://www.state.gov/www/perdiems/index.html>.

(3) Purchase in Cuba and importation into the United States of merchandise. The purchase in Cuba and importation as accompanied baggage into the United States of merchandise with a foreign market value not to exceed \$100 per person, provided the merchandise is imported for personal use only. Such merchandise may not be resold. This authorization may be used only once every six consecutive months. As provided in Sec. 515.206(a), the purchase and

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importation of information or informational materials are exempt from all restrictions contained in this part.

(4) Carrying remittances to Cuba. The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to Sec. 515.570, provided that no more than \$300 of remittances authorized by Sec. 515.570(a) or (b) is carried in any one trip, unless otherwise authorized. Those licensed travelers carrying either of the emigration remittances authorized pursuant to Sec. 515.570(c) must be able to produce the visa recipient's full name and date of birth and the number and date of issuance of the visa or other travel authorization issued. A licensed traveler to Cuba is only authorized to carry remittances that he or she is authorized to remit and may not carry remittances being made by other persons.

(5) Processing certain financial instruments. All transactions incident to the processing and payment of checks, drafts, travelers' checks, and similar instruments negotiated in Cuba by any person authorized pursuant to this part to engage in financial transactions in Cuba. For purposes of this section, the authorized transactions may be conducted using currency, which is defined as money, cash, drafts, notes, travelers' checks, negotiable instruments, or scrip having a specified or readily determinable face value or worth, but which does not include gold or other precious metals in any form.

Note to paragraph (c):

The authorizations in paragraph (c) of this section do not apply to fully-hosted travelers because their travel-related transactions are not licensed or authorized pursuant to this part. See Sec. 515.420.

(d) A Cuban national departing the United States may carry currency, as that term is defined in paragraph (c)(5) of this section, as follows:

(1) The amount of any currency brought into the United States by the Cuban national and registered with the U.S. Customs Service upon entry;

(2) Up to \$300 in funds received as remittances by the Cuban national during his or her stay in the United States; and

(3) Compensation earned by a Cuban national from a U.S. academic institution up to any amount that can be substantiated through payment receipts from such institution as authorized pursuant to Sec. 515.565(a)(2)(v).

(e) The following transactions by persons generally or specifically licensed to engage in travel-related transactions to, from, and within Cuba are prohibited by Sec. 515.201 unless specifically authorized:

(1) All transactions by persons subject to U.S. jurisdiction related to the utilization of charge cards, including but not limited to debit

or credit cards, for expenditures in Cuba.

(2) All transactions related to the processing and payment by persons subject to U.S. jurisdiction, such as charge card issuers or intermediary banks, of charge card instruments (e.g., vouchers, drafts, or sales receipts) for expenditures in Cuba. The issuer of a charge card, or a foreign charge card firm owned or controlled by persons subject to U.S. jurisdiction, is not authorized to deal with a Cuban enterprise, a Cuban national, or a third-country person, such as a franchisee, in connection with the extension of charge card services to any person in Cuba.

(f) Persons traveling to Cuba fully hosted as described in Sec. 515.420 may not carry currency to pay for living expenses or the purchase of goods in Cuba except as specifically licensed pursuant to or exempted from the application of this part.

(g) Nothing in this section authorizes transactions in connection with tourist travel to Cuba, nor does it authorize transactions in relation to any business travel, including making or agreeing to make any investment in Cuba, establishing or agreeing to establish any branch or agency in Cuba, or transferring or agreeing to transfer any property to Cuba, except transfers by or on behalf of individual or group travelers authorized pursuant to this part.

[64 FR 25814, May 13, 1999]